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15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 TPOV ENTERPRISES 16, LLC, a Delaware
18 Limited Liability Company,

19 Plaintiff,
20 vs.

21 PARIS LAS VEGAS OPERATING
22 COMPANY, LLC, a Nevada limited liability
23 company,

24 Defendant.

25 PARIS LAS VEGAS OPERATING
26 COMPANY, LLC, a Nevada limited liability
27 company,

28 Counterclaimant.
vs.

29 TPOV ENTERPRISES, LLC, a Delaware
30 Limited Liability Company, TPOV
31 ENTERPRISES 16, LLC, a Delaware Limited
32 Liability Company, ROWEN SEIBEL, an
33 individual.

34 Counter-defendants.

35 CASE NO. 2:17-cv-00346-JCM-VCF

36 **STIPULATION AND
37 ORDER TO EXTEND DEADLINE TO
38 FILE MOTION FOR ATTORNEYS' FEES**

39 Plaintiff/Counterdefendant TPOV Enterprises 16, LLC ("TPOV 16"), Counterdefendant
40 TPOV Enterprises, LLC ("TPOV"), and Counterdefendant Rowen Seibel ("Seibel") (collectively,
41 "Seibel and the TPOV Entities") and Defendant/Counterclaimant Paris Las Vegas Operating

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1 Company, LLC ("Paris") (collectively, the "Parties"), by and through their undersigned counsel of
 2 record, stipulate and agree as follows:

3 1. On July 17, 2020, this Court adopted Judge Ferenbach's report and recommendation
 4 in full, ordered that TPOV's answer was stricken as to TPOV only, and directed the clerk to enter
 5 default against TPOV. (ECF No. 229.)

6 2. On July 20, 2020, a default judgment was entered by the clerk. (ECF No. 230.)

7 3. The parties are in discussion surrounding the Court's entrance of a default judgment.

8 a. TPOV believes that the clerk erred by entering a default judgment as opposed
 9 to a default because, as noted above, this Court only directed the clerk "to enter default" as
 10 to TPOV, which follows the recommendation from Judge Ferenbach pursuant to his
 11 February 19, 2020 report and recommendation. Further, under FRCP 55, obtaining a default
 12 judgment entails two steps: First, obtaining a default; and Second, obtaining a default
 13 judgment. *See, e.g., Teller v. Dogge*, No. 2:12-cv-591 JCM (GWF), 2014 U.S. Dist. LEXIS
 14 139632, at *3 (D. Nev. Sept. 30, 2014); *see also Eitel v. McCool*, 782 F.2d 1470, 1471 (9th
 15 Cir. 1986) (referencing "the two-step process required by Rule 55" for obtaining a default
 16 judgment).

17 b. Paris is analyzing TPOV's request to have the Parties ask this Court to vacate
 18 and set aside the default judgment so that the clerk may instead enter a default.

19 c. Each Party reserves all rights with regard to entry of the default judgment.

20 4. In the interim, the parties stipulate to extend the time set forth in FRCP 54(d) and
 21 LR 54-14 for Paris to file its motion for attorneys' fees and costs to August 10, 2020.¹

22 5. This is the first stipulation for extension of time to file the motion for attorneys' fees
 23 and costs and will not impact any other deadlines.

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28 ¹ By entering into this stipulation, TPOV does not concede the propriety of the timing of such motion.

1 6. This stipulation is made in good faith and not for purposes of delay.

2 DATED this 3rd day of August 2020.

3 PISANELLI BICE PLLC

4 By: /s/ M. Magali Mercera
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12
13 Attorneys for Paris Las Vegas Operating
14 Company, LLC

DATED this 3rd day of August 2020.

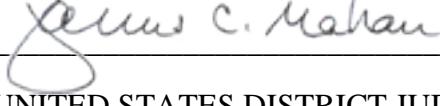
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Attorneys for TPOV Enterprises 16, LLC,
TPOV Enterprises, LLC and Rowen Seibel

ORDER

IT IS SO ORDERED.


15
16 UNITED STATES DISTRICT JUDGE
17 DATED: August 5, 2020

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